

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

SIXTY-SECOND DAY, WEDNESDAY, APRIL 27, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Reverend Walter Simpson, First Christian Church (Disciples of Christ), Eldon, Missouri.

Almighty God, Creator and Sustainer of all the earth, humbly we pause to lift our thoughts to You. We offer our praise and thanks for Your ever-present mercy and love which You have so generously bestowed upon us.

Today we seek Your guidance and direction. Grant Your wisdom upon these who have been chosen to have oversight and care of the life of our state. As they struggle with the difficult decisions that face them, may they do so with compassion and patience. Give them a spirit of cooperation. Keep them safe.

Hear our prayers we offer to You in a spirit of devotion and trust. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Matthew Jared.

The Journal of the sixty-first day was approved as printed.

SPECIAL RECOGNITION

Bill Schroeder, Lowell Carpenter and Bill Dudley were introduced by Representative Fraker and presented with a resolution for their many years of service with Webster Electric Co-op.

Speaker Pro Tem Schoeller assumed the Chair.

The Climax Springs Cougar High School Basketball Team was introduced by Representative Franklin and recognized for attaining First Place in the Class I District Championship.

HOUSE RESOLUTION

Representative Frederick offered House Resolution No. 2790.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2673 through House Resolution No. 2789

THIRD READING OF HOUSE BILL

HCS HB 473, relating to charter schools, was taken up by Representative Jones (63).

Representative Keeney assumed the Chair.

Speaker Pro Tem Schoeller resumed the Chair.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Higdon	Hinson	Hoskins	Hough	Houghton
Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Klippenstein	Koenig	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McGhee	McNary	Molendorp	Nance	Neth
Nolte	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Rowland	Sater	Schad
Scharnhorst	Schatz	Schieber	Schneider	Schoeller
Shumake	Silvey	Smith 150	Solon	Stream
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 052

Anders	Aull	Black	Brown 50	Carlson
Carter	Casey	Conway 27	Ellinger	Fallert
Harris	Hodges	Hubbard	Hughes	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	May	McCann Beatty	McDonald	McGeoghegan
McManus	McNeil	Meadows	Montecillo	Nasheed
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Quinn	Rizzo	Schieffer	Schupp
Shively	Sifton	Smith 71	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 007

Atkins	Colona	Diehl	Hampton	Holsman
Riddle	Ruzicka			

VACANCIES: 003

On motion of Representative Jones (63), **HCS HB 473** was read the third time and passed by the following vote:

AYES: 086

Allen	Bahr	Barnes	Bernskoetter	Berry
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Carlson	Carter	Cierpiot	Conway 14
Cookson	Cox	Crawford	Curtman	Day
Denison	Dieckhaus	Diehl	Dugger	Entlicher
Fitzwater	Fraker	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Guernsey	Higdon
Hinson	Holsman	Hough	Hubbard	Hughes
Jones 63	Jones 89	Jones 117	Keeney	Koenig
Lair	Lasater	Leach	Leara	Lichtenegger
Long	Marshall	McCaherty	McGhee	McNary
Nance	Nasheed	Neth	Nolte	Parkinson
Pollock	Redmon	Richardson	Riddle	Rowland
Sater	Schad	Scharnhorst	Schieber	Schneider
Schoeller	Shumake	Silvey	Smith 150	Solon
Stream	Talboy	Taylor	Thomson	Torpey
Wallingford	Weter	Wieland	Wyatt	Zerr
Mr Speaker				

NOES: 070

Anders	Asbury	Aull	Black	Casey
Cauthorn	Conway 27	Cross	Davis	Ellinger
Elmer	Fallert	Fisher	Flanigan	Franklin
Grisamore	Haefner	Harris	Hodges	Hoskins
Houghton	Hummel	Johnson	Kander	Kelley 126
Kelly 24	Kirkton	Klippenstein	Korman	Kratky
Lampe	Lant	Largent	Lauer	Loehner
May	McCann Beatty	McDonald	McGeoghegan	McManus
McNeil	Meadows	Molendorp	Montecillo	Newman
Nichols	Oxford	Pace	Peters-Baker	Phillips
Pierson	Quinn	Reiboldt	Rizzo	Schatz
Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Swinger	Walton Gray
Webb	Webber	Wells	White	Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Atkins	Colona	Hampton	Ruzicka
--------	--------	---------	---------

VACANCIES: 003

Speaker Pro Tem Schoeller declared the bill passed.

HOUSE CONCURRENT RESOLUTIONS

HCR 32, relating to state employee wages, was taken up by Representative Bernskoetter.

On motion of Representative Bernskoetter, **HCR 32** was adopted.

HCR 46, relating to FUTURALLIA, was taken up by Representative Nolte.

On motion of Representative Nolte, **HCR 46** was adopted.

Speaker Tilley resumed the Chair.

THIRD READING OF SENATE BILL

HCS SB 161, relating to agriculture, was taken up by Representative Guernsey.

Representative Loehner offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 161, Page 1, In the Title, Line 3, by inserting after the number "268.121," the numbers "273.327, 273.345,"; and

Further amend said bill, Page 1, In the Title, Lines 11 and 12, by deleting all of said lines and inserting in lieu thereof the following:

"for senate bill no. 718, ninety-fourth general assembly, second regular session, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, and to enact in lieu thereof nineteen new sections relating to agriculture, with penalty provisions and an emergency clause for certain sections."; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "268.121," the numbers "273.327, 273.345,"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"assembly, second regular session, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, are repealed and nineteen new sections enacted in lieu thereof,"; and

Further amend said bill, Page 2, Section A, Line 12, by deleting all of said line and inserting in lieu thereof the following:

"268.121, 273.327, 273.345, 273.347, 276.421, 276.436, 276.441, 348.400, 348.407, 348.412, 411.280, and 1, to read as"; and

Further amend said bill, Page 15, Section 268.121, Line 11, by inserting after all of said line the following:

"273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to **two thousand** five hundred dollars per year. **Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering Operation Bark Alert or any successor program.** Pounds or dog pounds shall be exempt from payment of [such fee] **the fees under this section.** License fees shall be levied for each license issued or renewed on or after January 1, 1993.

273.345. 1. This section shall be known and may be cited as the "[Puppy Mill] **Canine** Cruelty Prevention Act."

2. The purpose of this act is to prohibit the cruel and inhumane treatment of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog breeding operations to provide each dog under their care with basic food and water, adequate shelter from the elements, necessary veterinary care, adequate space to turn around and stretch his or her limbs, and regular exercise.

3. Notwithstanding any other provision of law, any person having custody or ownership of more than ten female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles.

4. [Notwithstanding any other provision of law, no person may have custody of more than fifty covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

5.] For purposes of this section and notwithstanding the provisions of section 273.325, the following terms have the following meanings:

(1) "Adequate rest between breeding cycles" means, at minimum, ensuring that **female** dogs are not bred to produce more [than two] litters in any [eighteen-month] **given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;**

(2) "Covered dog" means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six months and has intact sexual organs;

(3) "Necessary veterinary care" means, at minimum, examination at least once yearly by a licensed veterinarian, prompt treatment of any **serious** illness or injury by a licensed veterinarian, and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association;

(4) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate;

(5) "Pet" means any [domesticated animal] **species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids,** normally maintained in or near the household of the owner thereof;

(6) "Regular exercise" means [constant and unfettered access to an outdoor exercise area that is composed of a solid ground-level surface with adequate drainage, provides some protection against sun, wind, rain, and snow, and provides each dog at least twice the square footage of the indoor floor space provided to that dog] **the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri department of agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;**

(7) "Retail pet store" means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

(8) "Sufficient food and clean water" means access to appropriate nutritious food at least [once] **twice** a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is **generally** free of debris, feces, algae, and other contaminants;

(9) "Sufficient housing, including protection from the elements" means [constant and unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed on top of or below another animal's enclosure, is cleaned of waste at least once a day while the dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees Fahrenheit] **the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by regulations of the Missouri department of agriculture and in compliance with the provisions of subsection 7 of this section. No dog shall remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure shall be compatible, in accordance with regulations promulgated by the Missouri department of agriculture;**

(10) "Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" means having:

(a) Sufficient indoor space **or shelter from the elements** for each dog to turn in a complete circle without any impediment (including a tether);

(b) Enough indoor space **or shelter from the elements** for each dog to lie down and fully extend his or her limbs and stretch freely without touching the side of an enclosure or another dog;

(c) [At least one foot of headroom above the head of the tallest dog in the enclosure; and

(d) At least twelve square feet of indoor floor space per each dog up to twenty-five inches long, at least twenty square feet of indoor floor space per each dog between twenty-five and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose to the base of the tail)] **Appropriate space depending on the species of the animal, as specified in regulations by the Missouri department of agriculture, as revised, and in compliance with the provisions of subsection 7 of this section.**

[6. A person is guilty of the crime of puppy mill cruelty when he or she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a violation of this section, in which case each such violation is a class A misdemeanor. Each violation of this section shall constitute a separate offense. If any violation of this section meets the definition of animal abuse in section 578.012, the defendant may be charged and penalized under that section instead.

7.] 5. Any person subject to the provisions of this section shall maintain all veterinary records and sales records for the most recent previous two years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

6. The provisions of this section are in addition to, and not in lieu of, any other state and federal laws protecting animal welfare. This section shall not be construed to limit any state law or regulation protecting the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section. This section shall not be construed to place any numerical limits on the number of dogs a person may own or control when such dogs are not used for breeding those animals and selling any offspring for use as a pet. This section shall not apply to a dog during examination, testing, operation, recuperation, or other individual treatment for veterinary purposes, during lawful scientific research, during transportation, during cleaning of a [dogs] **dog's** enclosure, during supervised outdoor exercise, or during any emergency that places a [dogs] **dog's** life in imminent danger. [This section shall not apply to any retail pet store, animal shelter as defined in section 273.325, hobby or show breeders who have custody of no more than ten female covered dogs for the purpose of breeding those dogs and selling any offspring for use as a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this section shall be construed to limit hunting or the ability to breed, raise, [or] sell [hunting], **control, train, or possess dogs with the intention to use such dogs for hunting or other sporting purposes.**

7. Notwithstanding any law to the contrary, the following space requirements shall apply under this section:

(1) From January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, the minimum allowable space shall:

(a) Be two times the space allowable under the department of agriculture's regulation that was in effect on April 15, 2011;

(b) Except as prescribed by rule, provide constant and unfettered access to an attached outdoor run; and

(c) Meet all other requirements set forth by rule of the Missouri department of agriculture;

(2) For any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, the minimum allowable space shall:

(a) Be three times the space allowable under the department of agriculture's regulation that was in effect on April 15, 2011;

(b) Except as prescribed by rule, provide constant and unfettered access to an attached outdoor run; and

(c) Meet all other requirements set forth by rule of the Missouri department of agriculture;

(3) For any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, wire strand flooring shall be prohibited and all enclosures shall meet the flooring standard set forth by rule of the Missouri department of agriculture.

8. If any provision of this section, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

[9. The provisions herewith shall become operative one year after passage of this act.]

273.347. 1. Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.

2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.

4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329."; and

Further amend said bill, Page 22, Section 411.280, Line 7, by inserting after all of said line the following:

"Section 1. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor."; and

Further amend said bill, Page 24, Section 263.450, Line 8, by inserting after all of said line the following:

"[273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to two thousand five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering Operation Bark Alert or any successor program. Pounds or dog pounds shall be exempt from payment of [such fee] the fees under this section. License fees shall be levied for each license issued or renewed on or after January 1, 1993.]

[273.345. 1. This section shall be known and may be cited as the "[Puppy Mill] Canine Cruelty Prevention Act."

2. The purpose of this act is to prohibit the cruel and inhumane treatment of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog breeding operations to provide each dog under their care with basic food and water, adequate shelter from the elements, necessary veterinary care, adequate space to turn around and stretch his or her limbs, and regular exercise.

3. Notwithstanding any other provision of law, any person having custody or ownership of more than ten female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles.

4. [Notwithstanding any other provision of law, no person may have custody of more than fifty covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

5.] For purposes of this section and notwithstanding the provisions of section 273.325, the following terms have the following meanings:

(1) "Adequate rest between breeding cycles" means, at minimum, ensuring that **female** dogs are not bred to produce more [than two] litters in any [eighteen-month] **given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog**;

(2) "Covered dog" means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six months and has intact sexual organs;

(3) "Necessary veterinary care" means[, at minimum, examination at least once yearly] **at least two personal visual inspections annually** by a licensed veterinarian, **guidance from a licensed veterinarian on preventative care, an exercise plan that has been approved by a licensed veterinarian, normal and prudent attention to skin, coat, and nails**, prompt treatment of any illness or injury [by a licensed veterinarian], and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association. **If, during the course of a routine personal visual inspection, the licensed veterinarian detects signs of disease or injury, then a physical examination of any such afflicted dog shall be conducted by a licensed veterinarian**;

(4) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate;

(5) "Pet" means any [domesticated animal] **species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids**, normally maintained in or near the household of the owner thereof;

(6) "Regular exercise" means [constant and unfettered access to an outdoor exercise area that is composed of a solid ground-level surface with adequate drainage, provides some protection against sun, wind, rain, and snow, and provides each dog at least twice the square footage of the indoor floor space provided to that dog] **the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri department of agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits**;

(7) "Retail pet store" means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

(8) "Sufficient food and clean water" means [access to appropriate nutritious food at least once a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is free of debris, feces, algae, and other contaminants];

(a) **The provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species requires a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, enough to maintain a reasonable level of nutrition in each animal. All foodstuffs shall be served in a safe receptacle, dish, or container; and**

(b) **The provision of a supply of potable water in a safe receptacle, dish, or container. Water shall be provided continuously or at intervals suitable to the species, with no interval to exceed eight hours;**

(9) "Sufficient housing, including protection from the elements" means [constant and unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed on top of or below another animal's enclosure, is cleaned of waste at least once a day while the dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees Fahrenheit] **the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by regulations of the Missouri department of agriculture. No dog shall remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure shall be compatible, in accordance with regulations promulgated by the Missouri department of agriculture;**

(10) "Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" means [having:

(a) Sufficient indoor space for each dog to turn in a complete circle without any impediment (including a tether);

(b) Enough indoor space for each dog to lie down and fully extend his or her limbs and stretch freely without touching the side of an enclosure or another dog;

(c) At least one foot of headroom above the head of the tallest dog in the enclosure; and

(d) At least twelve square feet of indoor floor space per each dog up to twenty-five inches long, at least twenty square feet of indoor floor space per each dog between twenty-five and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose to the base of the tail)] **appropriate space depending on the species of the animal, as specified in regulations by the Missouri department of agriculture, as revised.**

[6. A person is guilty of the crime of puppy mill cruelty when he or she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a violation of this section, in which case each such violation is a class A misdemeanor. Each violation of this section shall constitute a separate offense. If any violation of this section meets the definition of animal abuse in section 578.012, the defendant may be charged and penalized under that section instead.

7.] 5. Any person subject to the provisions of this section shall maintain all veterinary records and sales records for the most recent previous two years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

6. The provisions of this section are in addition to, and not in lieu of, any other state and federal laws protecting animal welfare. This section shall not be construed to limit any state law or regulation protecting the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section. This section shall not be construed to place any numerical limits on the number of dogs a person may own or control when such dogs are not used for breeding those animals and selling any offspring for use as a pet. This section shall not apply to a dog during examination, testing, operation, recuperation, or other individual treatment for veterinary purposes, during lawful scientific research, during transportation, during cleaning of a [dogs] **dog's** enclosure, during supervised outdoor exercise, or during any emergency that places a [dogs] **dog's** life in imminent danger. [This section shall not apply to any retail pet store, animal shelter as defined in section 273.325, hobby or show breeders who have custody of no more than ten female covered dogs for the purpose of breeding those dogs and selling any offspring for use as a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this section shall be construed to limit hunting or the ability to breed, raise, [or] sell [hunting], **control, train, or possess dogs with the intention to use such dogs for hunting or other sporting purposes.**

[8.] **7.** If any provision of this section, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

[9.] **8.** The provisions herewith shall become operative one year after passage of this act.]

[273.347. 1. Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.

2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.

4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329.]"; and

Further amend said bill, Page 24, Section 276.446, Line 8, by inserting after all of said line the following:

"[Section 1. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.]

Section B. In order to improve the immediate health and welfare of dogs in this state and to provide sufficient time for businesses to comply with changes in the law, the repeal and reenactment of sections 273.327 and 273.345, the enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 273.327 and 273.345, the enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and 1 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

HCS SB 161, with House Amendment No. 1, pending, was laid over.

On motion of Representative Jones (89), the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Schoeller.

THIRD READING OF SENATE BILL

HCS SB 161, with House Amendment No. 1, pending, relating to agriculture, was again taken up by Representative Guernsey.

On motion of Representative Loehner, **House Amendment No. 1** was adopted.

Representative Quinn offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 161, Page 2, Section 137.010, Lines 1-33, by deleting all of said section and lines; and

Further amend said bill, Page 3, Section 137.080, Lines 1-16, by deleting all of said section and lines; and

Further amend said bill, Pages 3-8, Section 137.115, Lines 1-172, by deleting all of said section and lines; and

Further amend said bill, Pages 8-12, Section 137.115, Lines 1-197, by deleting all of said section and lines; and

Further amend said bill, Pages 12-13, Section 263.190, Lines 1-40, by deleting all of said section and lines; and

Further amend said bill, Page 14, Section 263.200, Lines 1-27, by deleting all of said section and lines; and

Further amend said bill and page, Section 263.220, Lines 1-2, by deleting all of said section and lines; and

Further amend said bill and page, Section 263.240, Lines 1-3, by deleting all of said section and lines; and

Further amend said bill, Pages 14-15, Section 268.121, Lines 1-11, by deleting all of said section and lines; and

Further amend said bill, Pages 15-17, Section 276.421, Lines 1-74, by deleting all of said section and lines; and

Further amend said bill, Pages 17-18, Section 276.436, Lines 1-57, by deleting all of said section and lines; and

Further amend said bill, Pages 18-19, Section 276.441, Lines 1-12, by deleting all of said section and lines; and

Further amend said bill, Page 22, Section 411.280, Lines 1-7, by deleting all of said section and lines; and

Further amend said bill, Pages 22-23, Section 263.205, Lines 1-26, by deleting all of said section and lines; and

Further amend said bill, Page 23, Section 263.230, Lines 1-9, by deleting all of said section and lines; and

Further amend said bill, Pages 23-24, Section 263.232, Lines 1-20, by deleting all of said section and lines; and

Further amend said bill, Page 24, Section 263.241, Lines 1-7, by deleting all of said section and lines; and

Further amend said bill and page, Section 263.450, Lines 1-7, by deleting all of said section and lines; and

Further amend said bill and page, Section 276.416, Lines 1-10, by deleting all of said section and lines; and

Further amend said bill and page, Section 276.446, Lines 1-8, by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Quinn, **House Amendment No. 2** was adopted.

On motion of Representative Guernsey, **HCS SB 161, as amended**, was adopted.

On motion of Representative Guernsey, **HCS SB 161, as amended**, was read the third time and passed by the following vote:

AYES: 108

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Brandom	Brattin	Brown 50
Brown 85	Brown 116	Burlison	Cauthorn	Cierpiot
Conway 14	Cookson	Cox	Crawford	Cross
Curtman	Davis	Denison	Dieckhaus	Diehl
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Gatschenberger	Gosen	Guernsey
Haefner	Higdon	Hinson	Holsman	Hoskins
Hough	Houghton	Hughes	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Kelly 24	Klippenstein
Koenig	Korman	Lair	Lant	Largent
Leach	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Nasheed	Neth	Nolte	Parkinson	Phillips
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rowland	Sater	Schad	Scharnhorst
Schatz	Schieber	Schieffer	Schneider	Schoeller
Shively	Shumake	Silvey	Smith 150	Still
Stream	Swinger	Thomson	Torpey	Wallingford
Webber	Wells	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 042

Anders	Atkins	Carlson	Casey	Ellinger
Funderburk	Grisamore	Harris	Hubbard	Hummel
Jones 63	Kirkton	Kratky	Lampe	Lasater
Lauer	Leara	May	McCann Beatty	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Rizzo	Schupp	Sifton	Smith 71
Solon	Spreng	Swearingen	Talboy	Taylor
Walton Gray	Webb			

PRESENT: 001

Black

ABSENT WITH LEAVE: 009

Carter	Colona	Conway 27	Day	Hampton
Hodges	Kander	Ruzicka	Weter	

VACANCIES: 003

Speaker Pro Tem Schoeller declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Asbury	Aull	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Casey	Cauthorn	Cierpiot
Conway 14	Cookson	Cox	Crawford	Cross
Curtman	Davis	Day	Denison	Dieckhaus
Diehl	Dugger	Elmer	Entlicher	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Kratky	Lair	Lant	Largent	Lauer
Leach	Lichtenegger	Lochner	Long	Marshall
McCaherty	McGhee	McNary	Meadows	Molendorp
Nance	Nasheed	Neth	Nolte	Parkinson
Phillips	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rowland	Sater	Schad
Schatz	Schieber	Schieffer	Schneider	Schoeller
Shively	Shumake	Silvey	Smith 150	Solon
Stream	Swinger	Thomson	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Mr Speaker				

NOES: 040

Allen	Anders	Atkins	Carlson	Carter
Ellinger	Holsman	Hughes	Hummel	Jones 63
Kirkton	Lampe	Leara	May	McCann Beatty
McDonald	McGeoghegan	McManus	McNeil	Montecillo
Newman	Nichols	Oxford	Pace	Peters-Baker
Pierson	Rizzo	Schupp	Sifton	Smith 71
Spreng	Still	Swearingen	Talboy	Taylor
Torpey	Walton Gray	Webb	Webber	Zerr

PRESENT: 001

Black

ABSENT WITH LEAVE: 008

Colona	Conway 27	Hampton	Kander	Kelly 24
Lasater	Ruzicka	Scharnhorst		

VACANCIES: 003

PERFECTION OF HOUSE BILLS

HCS HB 773, relating to surplus lines insurance regulations, was taken up by Representative Gosen.

On motion of Representative Gosen, **HCS HB 773** was adopted.

On motion of Representative Gosen, **HCS HB 773** was ordered perfected and printed.

HCS HB 787, relating to investment transactions, was taken up by Representative Wells.

Representative Wells offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 787, Page 11, Section 443.812, Line 25, by inserting after the words, “**modular homes**” the words, “, **mortgage loan brokers located in the Kansas City metropolitan area including the counties of Johnson, Leavenworth, and Wyandotte in the state of Kansas or mortgage loan brokers located in the Greater St. Louis metropolitan area including the counties of Madison, Monroe and St. Clair in the state of Illinois**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wells, **House Amendment No. 1** was adopted.

On motion of Representative Wells, **HCS HB 787, as amended**, was adopted.

On motion of Representative Wells, **HCS HB 787, as amended**, was ordered perfected and printed.

HCS HB 552, relating to bleeding disorder therapies, was taken up by Representative Molendorp.

On motion of Representative Molendorp, **HCS HB 552** was adopted.

On motion of Representative Molendorp, **HCS HB 552** was ordered perfected and printed.

HCS HB 597, relating to the Private Landowner Protection Act, was taken up by Representative Pollock.

Representative Smith (150) assumed the Chair.

On motion of Representative Pollock, **HCS HB 597** was adopted.

On motion of Representative Pollock, **HCS HB 597** was ordered perfected and printed.

HCS HB 732, relating to professional registration, was taken up by Representative Brandom.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 732, Page 2, Section 195.453, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the following:

“of all schedule II, III, IV, and V controlled substances by all professionals”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Barnes offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 732, Pages 12-13, Section 334.099, Lines 1-58, by deleting all of said section and lines and inserting in lieu thereof the following:

“334.099. 1. The board may initiate a hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances:

(1) The board shall serve notice pursuant to section 536.067 of the hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances;

(2) For purposes of this section and prior to any hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further authentication by either board or licensee at any hearing held pursuant to this section.

(3) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances, the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote;

(4) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged;

(5) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board;

(6) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a disciplinary order;

(7) After receiving the report of the examination ordered in subdivision (3) of this subsection, the board may hold a hearing to determine if by a preponderance of the evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason

of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or substance abuse, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100; and

(8) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or by any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. For purposes of this section, "examination" means a skills, multidisciplinary, or substance abuse evaluation."; and

Further amend said bill, Page 16, Section 334.100, Lines 103-106, by deleting all of said lines and inserting in lieu thereof the following:

"(b) "Negligence", is:

a. The failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession, in the treatment of one or more patients where such failure causes damage to one or more patients; or

b. The failure, on one or more occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession, in the treatment of one or more patients where such failure causes serious and permanent injury;"; and

Further amend said bill, Page 24, Section 334.102, Lines 93-94, by deleting all of said lines and inserting in lieu thereof the following:

"2. The board shall hold a hearing to determine if probable cause exists.

(1) At least seven days but not more than fourteen days prior to the hearing, the board shall serve the licensee with notice of the hearing, including a statement of the facts alleged to give rise to the emergency suspension, the affidavits the board intends to rely on to prove such facts, the date of the hearing, and the licensee's right to present evidence via affidavit or by his or her own sworn testimony;

(2) Service may be by personal service or by leaving a copy of the notice at the last known address of the licensee on file with the board;

(3) At the hearing, the board shall receive into evidence and review any affidavits presented in proper form from either party and shall hear the sworn testimony of the licensee if offered;

(4) If the board determines that there is probable cause pursuant to subsection 1 of this section, the board may issue an emergency suspension or restriction."; and

Further amend said page and section, Line 98, by deleting the semicolon ";" and inserting in lieu thereof a period "."; and

Further amend said page and section, Lines 99-101, by deleting all of said lines from the bill; and

Further amend said page and section, Lines 107-112, by deleting all of said lines and inserting in lieu thereof the following:

“(3) The circuit court shall hear the appeal de novo and may modify or stay the emergency suspension or restriction.”; and

Further amend said page and section, Line 117, by inserting after the word **“days”** the phrase **“of the effective date of the suspension issued pursuant to subsection 2 of this section”**; and

Further amend bill, Page 25, Section 334.102, Line 131, by deleting all of said line and inserting in lieu thereof the following:

“8. If the court vacates the emergency suspension or in its final order the board rescinds the emergency suspension, the board shall remove all reference to such emergency suspension from its public records. Records relating to the suspension shall be maintained in the board files. The board or licensee may use such records in the course of any litigation to which they are both parties. Additionally, such records may be released upon a specific, written request of the licensee.

9. (1) The board may initiate a hearing before the board for discipline of any”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 2** was adopted.

Representative Frederick offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 732, Section 334.108, Page 26, Lines 16 to 20, and Page 27, Lines 21 and 22, by deleting all of said lines and inserting in lieu thereof the following:

“2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician’s designee when treatment is provided:

- (1) In a hospital as defined in section 197.020;**
 - (2) In a hospice program as defined in section 197.250;**
 - (3) In a home health program as defined in section 197.400;**
 - (4) In accordance with a collaborative practice agreement as defined in section 334.104;**
 - (5) In conjunction with a physician assistant licensed pursuant to section 334.738;**
 - (6) In consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications;**
- or**
- (7) In on-call or cross-coverage situations.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Schoeller resumed the Chair.

On motion of Representative Frederick, **House Amendment No. 3** was adopted.

HCS HB 732, as amended, was laid over.

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HCS HB 45, as amended, relating to small business tax relief, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **SS SCS HCS HB 45, as amended**, was adopted by the following vote:

AYES: 126

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Casey
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Hughes	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Kelly 24	Klippenstein	Koenig
Korman	Kratky	Lair	Lampe	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McGhee	McManus	McNary	Meadows	Molendorp
Nance	Nasheed	Neth	Nichols	Nolte
Parkinson	Peters-Baker	Phillips	Pollock	Quinn
Redmon	Reiboldt	Richardson	Riddle	Rizzo
Rowland	Sater	Schad	Schatz	Schieber
Schieffer	Schoeller	Shively	Shumake	Sifton
Silvey	Smith 150	Solon	Spreng	Swinger
Taylor	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 025

Anders	Atkins	Carlson	Carter	Ellinger
Hummel	Jones 63	Kirkton	May	McCann Beatty
McDonald	McGeoghegan	McNeil	Montecillo	Newman
Oxford	Pace	Pierson	Schupp	Smith 71
Still	Swearingen	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Conway 27	Kander	Ruzicka	Scharnhorst
Schneider	Stream	Talboy	Thomson	

VACANCIES: 003

On motion of Representative Hoskins, **SS SCS HCS HB 45, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 127

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brattin	Brown 50	Brown 85	Brown 116	Burlison
Casey	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hodges	Holsman	Hoskins	Hough
Houghton	Hubbard	Hughes	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Kelly 24	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Lochner	Long	Marshall
McCaherty	McGhee	McManus	McNary	Meadows
Molendorp	Nance	Nasheed	Neth	Nichols
Nolte	Parkinson	Peters-Baker	Phillips	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Sater	Schad	Schatz
Schieber	Schieffer	Schoeller	Shively	Shumake
Sifton	Silvey	Smith 150	Solon	Spreng
Swinger	Taylor	Torpey	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 024

Atkins	Carlson	Carter	Ellinger	Hummel
Jones 63	Kirkton	May	McCann Beatty	McDonald
McGeoghegan	McNeil	Montecillo	Newman	Oxford
Pace	Pierson	Schupp	Smith 71	Still
Swearingen	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Conway 27	Kander	Ruzicka	Scharnhorst
Schneider	Stream	Talboy	Thomson	

VACANCIES: 003

Speaker Pro Tem Schoeller declared the bill passed.

Speaker Tilley resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 423**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 161, as amended**, and has taken up and passed **HCS SB 161, as amended**.

SIGNING OF SENATE BILL

All other business of the House was suspended while **HCS SB 161** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Speaker Pro Tem Schoeller resumed the Chair.

On motion of Representative Jones (89), the House recessed until 6:45 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Tilley.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 193

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 193 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 193;
2. That the House recede from its position on House Committee Substitute for House Bill No. 193;
3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ John Diehl
/s/ Stanley Cox

FOR THE SENATE:

/s/ Scott Rupp
/s/ Jason Crowell

/s/ Tom Loehner
/s/ Penny Hubbard
/s/ Jamilah Nasheed

/s/ Brad Lager
/s/ Victor Callahan

Representative Jones (89) moved that Rule 57(c) be suspended for the purpose of taking up the Conference Committee Report on **SS HCS HB 193**.

Which motion was adopted by the following vote:

AYES: 101

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McCahty	McGhee	McNary
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Sater	Schad	Schatz
Schieber	Schoeller	Shumake	Silvey	Smith 150
Solon	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr

Mr Speaker

NOES: 051

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Ellinger	Fallert
Harris	Hodges	Holsman	Hughes	Hummel
Jones 63	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Nasheed	Newman
Nichols	Oxford	Pace	Peters-Baker	Pierson
Quinn	Rizzo	Schieffer	Schupp	Shively
Sifton	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Walton Gray	Webb

Webber

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Conway 27	Kander	Ruzicka	Scharnhorst
Schneider	Stream	Thomson		

VACANCIES: 003

BILL IN CONFERENCE

CCR SS HCS HB 193, relating to congressional districts, was taken up by Representative Diehl.

On motion of Representative Diehl, **CCR SS HCS HB 193** was adopted by the following vote:

AYES: 097

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Hubbard	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McNary	Molendorp	Nasheed	Neth	Nolte
Parkinson	Phillips	Pollock	Redmon	Reiboldt
Richardson	Riddle	Rowland	Sater	Schad
Schatz	Schieber	Schoeller	Shumake	Silvey
Smith 150	Solon	Torpey	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 055

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Cauthorn	Ellinger	Fallert
Grisamore	Harris	Hodges	Holsman	Houghton
Hughes	Hummel	Jones 63	Kelly 24	Kirkton
Kratky	Lampe	Lasater	May	McCann Beatty
McDonald	McGeoghegan	McGhee	McManus	McNeil
Meadows	Montecillo	Nance	Newman	Nichols
Oxford	Pace	Peters-Baker	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Conway 27	Kander	Ruzicka	Scharnhorst
Schneider	Stream	Thomson		

VACANCIES: 003

On motion of Representative Diehl, **CCS SS HCS HB 193** was read the third time and passed by the following vote:

AYES: 096

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Hubbard	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McNary	Molendorp	Nasheed	Neth	Parkinson
Phillips	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Sater	Schad	Schatz
Schieber	Schoeller	Shumake	Silvey	Smith 150
Solon	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 055

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Cauthorn	Ellinger	Fallert
Grisamore	Harris	Hodges	Holsman	Houghton
Hughes	Hummel	Jones 63	Kelly 24	Kirkton
Kratky	Lampe	Lasater	May	McCann Beatty
McDonald	McGeoghegan	McGhee	McManus	McNeil
Meadows	Montecillo	Nance	Newman	Nichols
Oxford	Pace	Peters-Baker	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Conway 27	Kander	Nolte	Ruzicka
Scharnhorst	Schneider	Stream	Thomson	

VACANCIES: 003

Speaker Tilley declared the bill passed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS HCS HB 193**, and has taken up and passed **CCS SS HCS HB 193**.

RECESS

On motion of Representative Jones (89), the House recessed until such time as the Speaker signs **CCS SS HCS HB 193** or until 10:00 p.m., whichever comes first.

The hour of recess having expired, the House was called to order by Speaker Tilley.

SIGNING OF HOUSE BILL

Representative Aull offered an objection to **CCS SS HCS HB 193** which was appended to the bill.

LETTER OF OBJECTION

April 27, 2011

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Article III, Section 30, of the Missouri Constitution, I do hereby object to the constitutionality of **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193** on the grounds that the redrawn congressional districts, in particular the Fifth Congressional District, violate the compactness requirement of Article III, Section 45 of the Missouri Constitution.

Please note said objection in the House Journal and annex it to **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193** to be considered by the Governor in connection therewith as mandated by Article III, Section 30.

Sincerely,

/s/ Representative Joe Aull
26th District

All other business of the House was suspended while **CCS SS HCS HB 193** was read at length and was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS SS HCS HB 193** was delivered to the Governor by the Chief Clerk of the House.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 53 - Transportation

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HCS HJR 16 - Fiscal Review (Fiscal Note)

HJR 27 - Fiscal Review (Fiscal Note)

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Dieckhaus reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SCS SB 54**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Franz reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 61**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HR 1826**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE RESOLUTION NO. 1826

WHEREAS, the life-affirming impact of pregnancy resource centers and maternity homes on women, families, and the communities they serve is considerable and growing, and pregnancy resource centers and maternity homes serve with integrity and compassion; and

WHEREAS, more than 65 pregnancy resource centers and maternity homes throughout Missouri provide care to women and their families facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and

WHEREAS, according to the Missouri Department of Social Services, in fiscal year 2010, Missouri's pregnancy resource centers and maternity homes served about 38,000 clients, with services which include free pregnancy tests; baby and maternity clothing; diapers; childbirth, parenting, GED, budgeting, and job training classes; housing; ultrasound services; and

WHEREAS, many pregnancy resource centers and maternity homes offer twenty-four hour telephone hotlines; information on adoption and adoption counseling; referrals to community, health care, and other support services, in addition to other prenatal services that lead to the birth of healthy infants; and

WHEREAS, pregnancy resource centers and maternity homes encourage pregnant women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children; and

WHEREAS, pregnancy resource centers and maternity homes provide women with compassionate and confidential counseling in a nonjudgmental manner regardless of their pregnancy outcomes, as well as providing abstinence education, domestic violence information, and relationship counseling; and

WHEREAS, many pregnancy resource centers and maternity homes provide grief assistance for women who regret the loss of a child from past choices they made or the circumstances they were placed in; and

WHEREAS, pregnancy resource centers and maternity homes operate primarily through the voluntary donations and time of caring individuals, as well as the support of churches, who are committed to caring for the needs of women and their families and promoting and protecting life:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, hereby support the work of pregnancy resource centers and maternity homes in this state and acknowledge their outstanding service to women and families in Missouri in providing holistic life changing services beyond the state's ability.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SS SCS SB 65**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SS SB 118**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 177**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SB 90**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 237**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Brandom reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 325**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 28**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 41**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 48**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 707**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 999**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 57**, begs leave to report it has examined the same and recommends that it **Do Pass - NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 83**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SB 96**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 145**, begs leave to report it has examined the same and recommends that it **Do Pass - NOT CONSENT**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 165**, begs leave to report it has examined the same and recommends that it **Do Pass - NOT CONSENT**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 83**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 109**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 136**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 142**, entitled:

An act to repeal sections 55.030 and 475.115, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9 and Senate Amendment No. 10.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 142, Pages 2-3, Section 488.070, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

"67.319. 1. If approved by a majority of the voters voting on the proposal, any city, town, or village located within this state may, by ordinance, levy and impose annually, upon water service lines providing water service to residential property having four or fewer dwelling units within the jurisdiction of such city, town, or village, a fee not to exceed one dollar per month or twelve dollars annually.

2. The ballot of submission shall be in substantially the following form:

For the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line, shall (city, town, or village) be authorized to impose a fee not to exceed one dollar per month or twelve dollars annually on residential property for each water service line providing water service within the (city, town, or village) to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary water service line repairs or replacements?

☐ YES

☐ NO

3. For the purpose of this section, a water service line may be defined by local ordinance, but may not include the water meter or exceed that portion of water piping and related valves and connectors which extends from the water mains owned by the utility or municipality distributing public water supply to the first opportunity for a connection or joint beyond the point of entry into the premises receiving water service, and may not include facilities owned by the utility or municipality distributing public water supply. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement or repairs.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the city, town, or village may enact an ordinance for the collection of such fee. The

funds collected under such ordinance shall be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the water service line repairs as defined in the ordinance and, if sufficient revenues are available, to reimburse the necessary costs of water service line repair or replacement. All interest generated on deposited funds shall be accrued to the special account established for the repair of water service lines.

5. The city, town, or village may establish, as provided in the ordinance, regulations necessary for the administration of collections, claims, repairs, replacements and all other activities necessary and convenient for the implementation of any ordinance adopted and approved under this section. The city, town, or village may administer the program or may contract with one or more persons, through a competitive process, to provide for administration of any portion of implementation activities of any ordinance adopted and approved under this section, and reasonable costs of administering the program may be paid from the special account established under this section.

6. Notwithstanding any other provision of law to the contrary, the collector in any city, town, village or county that adopts an ordinance pursuant to this section, who now or hereafter collects any fee to provide for, ensure or guarantee the repair of water service lines, may add such fee to the general tax levy bills of property owners within the city, town, village or unincorporated area of the county. All revenues received on such combined bill which are for the purpose of providing for, ensuring or guaranteeing the repair of water service lines, shall be separated from all other revenues so collected and credited to the appropriate fund or account of the city, town, village or county. The collector of the city, town, village or county may collect such fee in the same manner and to the same extent as the collector now or hereafter may collect delinquent real estate taxes and tax bills."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

"67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or nuisance ordinances may issue a special tax bill against the property where such ordinance violations existed. The officer in charge of finance shall cause the amount of unrecovered costs to be included in a special tax bill or added to the annual real estate tax bill for the property at the collecting official's option, and the costs shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property until paid. Notwithstanding any provision of the city's charter to the contrary, the city may provide, by ordinance, that the city may discharge the special tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the special tax bill."; and

Further amend said bill and page, Section 475.115, Line 19, by inserting after all of said line the following:

"479.011. 1. (1) The following cities may establish an administrative adjudication system under this section:

(a) Any city not within a county [or];

(b) Any home rule city with more than four hundred thousand inhabitants and located in more than one county;

and

(c) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants.

(2) The cities listed in subdivision (1) of this subsection may establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, nuisance, parking, and other civil, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This

section shall not be construed to affect the validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

2. The order or ordinance creating the administrative adjudication system shall designate the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The administrative tribunal may operate under the supervision of the municipal court, parking commission, or other entity designated by order or ordinance and in a manner consistent with state law. The administrative tribunal shall adopt policies and procedures for administrative hearings, and filing and notification requirements for appeals to the municipal or circuit court, subject to the approval of the municipal or circuit court.

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The code violation notice, property record, and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who issued the code violation citation need not be present.

4. An administrative tribunal may not impose incarceration or any fine in excess of the amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with applicable law.

5. Any final decision or disposition of a code violation by an administrative tribunal shall constitute a final determination for purposes of judicial review. Such determination is subject to review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo in the circuit court. After expiration of the judicial review period under chapter 536, unless stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of any debt due the city under this section and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction. **The city may also issue a special tax bill to collect fines issued for housing, property maintenance, and nuisance code violations.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

"67.314. 1. The provisions of this section shall apply to contracts for construction awarded by political subdivisions of the state of Missouri and shall be known as the "Political Subdivision Construction Bidding Standards Act".

2. Any political subdivision of the state authorizing the construction of facilities which may exceed an expenditure of twenty-five thousand dollars shall publicly advertise:

(1) Through publication in a central repository developed by the office of administration, or a private firm under contract with the office of administration, at no cost to the state;

(2) On the political subdivision's website, so long as it has a link to the office of administration's central repository;

(3) In a newspaper of general circulation located within the same county as the political subdivision is located, or in an adjoining county if there is no newspaper in the same county, for once a week for two consecutive weeks; or

(4) Through publication, at no cost to the political subdivision, in a central repository developed by an organization representing political subdivisions. The organization may charge appropriate fees for access to bid solicitations.

3. The political subdivision may, in addition to advertising in the manner described in subsection 2 of this section, also advertise in business, trade, or minority newspapers.

4. For purposes of this section, the term "construction of facilities" shall mean the construction, alteration, or repair of any structure, including but not limited to buildings, highways, bridges, streets, viaducts,

water or sewer lines or systems, or pipelines. The term shall include any demolition, moving, or excavation connected therewith, and the furnishing of surveying, construction engineering, planning or management services, or labor, material, or equipment, as required to perform work under the contract for construction.

5. Nothing in this section shall be construed to require the design or engineering of any project, as the term "project" is defined in section 8.287, to be awarded by competitive bidding if the contract for such services is under a separate contract from the contract for construction and is awarded under sections 8.285 to 8.291, or to construction management services governed by sections 8.675 to 8.687. Neither shall this section be construed to apply to contracts awarded for the "design/build" method of project delivery, if the political subdivision's procurement of "design/build" projects is otherwise authorized by law, local charter, ordinance, order, or resolution. The advertising requirements contained in this section shall not apply when a political subdivision has publicly stated, in writing, that because of the unique nature or limited availability of material, equipment, or skills for a construction project of the type described in subsection 2 of this section, the political subdivision is using a sole source method to award a construction contract. Nothing in this subsection shall be construed to relieve the political subdivision from the requirement to seek and obtain a bid from the company or firm to whom the contract will be awarded.

6. The provisions of this section shall not apply to any political subdivision required to advertise, solicit, award, and reject bids in compliance with:

(1) Other Missouri statutes, state rules, and federal and state funding requirements applicable to the specific political subdivision which are in effect on August 28, 2011, or as such requirements may be enacted or amended; or

(2) Any provision of a local charter, ordinance, order, resolution, or policy applicable to the specific political subdivision which is in effect or which is subsequently adopted by the political subdivision after August 28, 2011, as long as such state or local provisions require the political subdivision to meet equivalent or stricter competitive bidding requirements for construction as are contained in this section.

7. No bids shall be entertained by a political subdivision which are not made in accordance with the specifications furnished by the political subdivision and all contracts shall be awarded to the lowest and best bidder complying with the terms of the letting, provided that the political subdivision shall have the right to reject any and all bids.

8. All bidding shall conform to the following procedures:

(1) No bid shall be opened: in advance of the advertised deadline for submission of bids; or in a place other than that specified in the original solicitation of bids or in an amendment to the solicitation communicated in advance to all known bidders;

(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the project for which bids were solicited is cancelled, bids shall be returned to the bidders unopened;

(3) No bid shall be accepted after the advertised deadline for acceptance of bids;

(4) All bids received shall be held secure and confidential from all persons until the bids are opened pursuant to subdivision (1) of this subsection. Bids shall only be opened in public;

(5) Nothing in this section shall be construed to prohibit acceptance and processing of bids through an established program of electronic bidding by computer, provided bids accepted and processed electronically shall meet standards of confidentiality comparable to requirements for written bids established by this section.

9. Failure of the political subdivision to follow any of the procedures described in this section shall result in the contract being voided and the political subdivision shall rebid the contract in accordance with the provisions of this section.

10. Any person who would have submitted a bid except for failure of the political subdivision to advertise the contract pursuant to this section shall have standing to seek equitable relief in a court of competent jurisdiction within fifteen business days of the date the political subdivision opened the bids for the contract, but the only remedy that may be imposed by the court is ordering the contract to be rebid.

11. Nothing in this section shall be construed to require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract, nor shall anything in this section prohibit a political subdivision from awarding contracts without competitive bidding when the political subdivision deems it necessary to remove an immediate danger to the public health or safety, to prevent loss to public or private property which requires government action, or to prevent an interruption of or to restore an essential public service, however, the political subdivision shall produce a written public record documenting the need to contract for such services without competitive bidding."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Committee Substitute for House Bill No. 142, Page 1, Section A, Line 3, by inserting after all of said line the following:

"50.622. Any county may amend the annual budget during any fiscal year in which the county receives additional funds **or a decrease in funds**, and such amount or source, including but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

"67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district; and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district.

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861 **or, at the option of the county collector, and upon certification by the district for collection, each special assessment may be added to the annual real estate tax bill for the property and collected by the county collector in the same manner and procedure for collecting real estate taxes. Each special assessment remaining unpaid on the first day of January annually is delinquent and enforcement of collection of the delinquent bill by the county collector shall be governed by the laws concerning delinquent and back taxes. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale under chapter 140 or, if applicable to that county, chapter 141.**

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812 shall not apply to any district."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting after all of said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. Except as otherwise provided in subsection 4 of this section, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

5. In any school district in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, candidates for school board election in which more than one seat on the school board is open, shall declare their candidacy for a particular seat on the school board. When more than one seat is open, the election authority shall designate the open seats by letter so that the candidates for the school board are required to run for a particular seat that is so designated. The declaration of candidacy for a particular seat shall be made in accordance with the procedures of section 162.281. Candidates shall also be nominated for a designated seat by petition in accordance with section 162.491."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Committee Substitute for House Bill No. 142, Page 2, Section 55.030, Line 31, by inserting immediately after said line the following:

"90.101. **1. Notwithstanding any law to the contrary, the board of commissioners of Tower Grove Park shall have the authority to adjust the size of its membership, provided that any such adjustment shall be approved by a majority vote of the board members.**

2. Notwithstanding any law to the contrary, in case of any vacancy occurring in the membership of the board of commissioners of Tower Grove Park from death, resignation, or disqualification to act, the vacancy shall be filled by appointment from the remaining members of the board, or a majority of them, for the balance of the term then vacant, and all vacancies caused by the expiration of the term of office shall be filled by appointment from the judges of the supreme court of the state of Missouri, or a majority of them or if said judges are unable or unwilling to so act, which shall be presumed by their failure to act within thirty days following delivery to the court of a slate of appointees, by the majority vote of the remaining board members."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 149**, entitled:

An act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 186**, entitled:

An act to repeal section 51.050, RSMo, and to enact in lieu thereof three new sections relating to county officers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 217**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 220**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 465**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 550**.

The following member's presence was noted: Colona.

ADJOURNMENT

On motion of Speaker Tilley, the House adjourned until 10:00 a.m., Thursday, April 28, 2011.

COMMITTEE MEETINGS

CONFERENCE COMMITTEE

Monday, May 2, 2011, 10:00 AM Senate Lounge.

Executive session will be held: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, April 28, 2011, 12:00 PM House Hearing Room 3.

Public hearing will be held: SS SB 238, SS#2 SCS SB 320

Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 28, 2011, House Hearing Room 4 upon afternoon adjournment.

Public hearing will be held: SJR 10, SCS SB 323

Executive session will be held: SJR 10, SCS SB 323

Executive session may be held on any matter referred to the committee.

ELECTIONS

Thursday, April 28, 2011, 9:30 AM House Hearing Room 7.

Public hearing will be held: SCS SB 270, SS SB 9

Executive session will be held: SCS SB 270

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 28, 2011, 8:30 AM South Gallery.

Executive session may be held on any matter referred to the committee.

All bills referred to the committee

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 28, 2011, 9:00 AM House Hearing Room 1.

2nd Quarter Meeting

LOCAL GOVERNMENT

Monday, May 2, 2011, upon evening adjournment.

Committee dinner only

RURAL COMMUNITY DEVELOPMENT

Thursday, April 28, 2011, House Hearing Room 1 upon morning adjournment.

Executive session will be held: SS SB 360

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Tuesday, May 3, 2011, 12:00 PM House Hearing Room 7.

Public hearing will be held: HCR 53, SCS SBs 26 & 106

Executive session may be held on any matter referred to the committee.

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, April 28, 2011, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 819, HB 1009

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-THIRD DAY, THURSDAY, APRIL 28, 2011

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 14 - Cox
- 2 HCS HJR 8, as amended - Koenig
- 3 HJR 15 - Ruzicka

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 329 - Diehl
- 2 HCS HB 131, as amended - Cox
- 3 HCS HB 100 - Loehner
- 4 HB 490 - Diehl
- 5 HCS HB 401 - Diehl
- 6 HB 655 - Lampe
- 7 HCS HB 657 - Allen
- 8 HCS HB 121 - Dugger
- 9 HCS HBs 303 & 239 - Davis
- 10 HCS HB 643 - May
- 11 HB 138 - Thomson
- 12 HB 491 - Diehl
- 13 HB 364 - Parkinson
- 14 HCS HB 742 - Wyatt

- 15 HCS HB 212 - Thomson
- 16 HCS HB 613 - Holsman
- 17 HB 686 - Richardson
- 18 HCS HB 688 - Pollock
- 19 HCS HB 716 - Wyatt
- 20 HCS HB 732, as amended - Brandom
- 21 HB 741 - Bernskoetter
- 22 HCS HB 811 - Talboy
- 23 HCS HB 893 - Richardson
- 24 HB 924 - Nolte
- 25 HCS HBs 504, 505 & 874 - Diehl
- 26 HB 658 - Schatz
- 27 HCS HB 707 - Brown (50)
- 28 HCS HB 999 - Schad

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING - INFORMAL

- 1 HCR 9, (2-1-11, Page 277) - Barnes
- 2 HCR 19, (2-17-11, Pages 392-393) - Gatschenberger

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HJR 27, (Fiscal Review 4-27-11) - Brattin
- 2 HCS HJR 16, (Fiscal Review 4-27-11) - Dugger

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HCS HB 17 - Silvey
- 2 HCS HB 18 - Silvey
- 3 HCS HB 21 - Silvey
- 4 HCS HB 22 - Silvey

HOUSE BILLS FOR THIRD READING

- 1 HB 305, with E.C. pending - Gatschenberger
- 2 HB 466 - Schoeller
- 3 HCS HB 773, E.C. - Gosen
- 4 HCS HB 787 - Wells
- 5 HCS HB 552 - Molendorp
- 6 HCS HB 597 - Pollock

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 38, (4-12-11, Page 1236) - Cierpiot
- 2 HCR 28, (4-7-11, Pages 1171-1172) - Nolte
- 3 HCR 41, (4-22-11, Pages 1595-1596) - Parkinson
- 4 HCR 48, (4-21-11, Pages 1429-1430) - Pollock

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS#2 SJR 2, (Fiscal Review 4-26-11) - Cox

SENATE BILLS FOR THIRD READING

- 1 HCS#2 SB 3, (Fiscal Review 4-26-11) - Diehl
- 2 HCS SS#2 SCS SB 8 - Fisher
- 3 SS SB 55 - Day
- 4 HCS SS SCS SB 58 - Denison
- 5 SB 101 - Nance
- 6 HCS SS SB 135, E.C. - Jones (89)
- 7 HCS SCS SB 163 - Thomson
- 8 HCS SB 173 - Cierpiot
- 9 HCS SB 207, (Fiscal Review 4-26-11) - Pollock
- 10 HCS SCS SB 219 - Wells
- 11 HCS SB 220 - Diehl
- 12 HCS SB 282 - Dugger
- 13 SS SB 306 - Wells
- 14 HCS SCS SB 366 - Diehl
- 15 HCS SCS SB 57 - Gatschenberger
- 16 SB 83 - Wells
- 17 HCS#2 SB 96 - Fitzwater
- 18 HCS SB 145 - Gatschenberger
- 19 SB 165 - Cox

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HBs 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 - Brown (85)
- 2 HCS HB 108, SCA 1 and SA 1 - Smith (150)
- 3 SCS HB 307 & HB 812 - Gatschenberger
- 4 SCS HB 388 - Burlison
- 5 SCS HCS HB 631 - Grisamore
- 6 SCS HB 270, as amended - Burlison

BILLS IN CONFERENCE

- 1 SCS HCS HB 2 - Silvey
- 2 SCS HCS HB 3 - Silvey
- 3 SCS HCS HB 4 - Silvey
- 4 SCS HCS HB 5 - Silvey
- 5 SCS HCS HB 6 - Silvey
- 6 SCS HCS HB 7, as amended - Silvey
- 7 SCS HCS HB 8 - Silvey
- 8 SCS HCS HB 9 - Silvey
- 9 SCS HCS HB 10 - Silvey
- 10 SCS HCS HB 11 - Silvey
- 11 SCS HCS HB 12 - Silvey
- 12 SCS HCS HB 13 - Silvey